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EXAMINER

RIVIERE, HEIDI M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/687,956	Applicant(s) JOYCE ET AL.	
	Examiner HEIDI RIVIERE	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

RESPONSE TO ARGUMENTS

1. Applicant's arguments with respect to **claims 1-56** have been considered however they are not persuasive. Examiner used **Philonenko et al. (US 2003/0009530 A1)** (hereinafter "**Philonenko**"); **Gusick et al. (US 2001/0047270 A1)** and **Petrunka et al. (US 5,987,116)** (hereinafter "**Petrunka**") to reject the claims. Applicant argues that Philonenko used only in the context of 35 U.S.C. Section 103 rejections does not "describe a connection between an agent servicing a customer and a selected expert" and that Philonenko does not establish an immediate message connection between the expert and the agent or the requestor. Philonenko teaches the instant message presence protocol for facilitating communication center activity. In paragraph 21, Philonenko states in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity." Meaning the system receives the instant message and tries to find an available agent to take the call. This passage coincides with Applicants current amendment which states for the most part, variations of "Receiving the first immediate message and invoking a workflow based upon the selection in response to the first immediate message". The Gusick reference teaches

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the connection to the expert within the call center. Therefore, the rejections are not withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-7, 11-27, 31-40 and 43-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Philonenko et al. (US 2003/0009530 A1)** (hereinafter "**Philonenko**") in view of **Gusick et al. (US 2001/0047270 A1)** (hereinafter "**Gusick**").

4. With respect to claims 1 and 21: (Currently amended) Philonenko discloses:

- Receiving the first immediate message and invoking a workflow based upon the selection in response to the first immediate message;
(Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence

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information belonging to the entity.”; when instant message received from client, the intent of the request is matched with the available agent)

- establishing an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51, 54-56, and 61 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach communicating at least one expert group to an agent; receiving a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; identifying at least one expert that is associated with the expert group. However, Gusick teaches:

- communicating an expert group list including at least one expert group to an agent serving a customer; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the question to the desired team member...typically the team member is a subject matter expert”)
- receiving a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate

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message that includes a request for assistance from the expert group; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the question to the desired team member...typically the team member is a subject matter expert”)

- identifying at least one expert that is associated with the expert group automatically utilizing the workflow; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the question to the desired team member...typically the team member is a subject matter expert”).

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

5. **With respect to claims 2 and 22:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the identifying the at least one expert includes retrieving a predefined association between the at least one expert and the expert group. However, Gusick teaches the identifying the at least one expert includes retrieving a predefined association between the at least one expert and the expert group. (paragraph 64 – “dispatcher preferably uses an account-specific system 100

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menu to select the team member and send the question to the desired team member ... typically the team member is a subject matter expert”).

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

6. **With respect to claims 3 and 23:** Philonenko teaches the identifying the at least one expert includes using an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server)

7. **With respect to claims 4 and 24:** Philonenko teaches the identifying the at least one expert includes identifying the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51, 54-56, and 61 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

8. **With respect to claim 5:** Philonenko teaches the identifying the at least one expert includes executing a workflow including business logic to access configuration data associated with the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from

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server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

9. **With respect to claims 6 and 26:** Philonenko teaches the identifying of the at least one expert includes communicating via an immediate message service to determine if the at least one expert will provide expert support to the agent. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

10. **With respect to claims 7 and 27:** Philonenko teaches communicating via an immediate message service includes at least one of a parallel communication and a serial communication. (paragraphs 51 and 54-57 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability; response message can be returned)

11. **With respect to claims 11 and 31:** Philonenko teaches identifying of the at least one expert includes identifying a predetermined number of experts that accepts the request for assistance. (paragraphs 62-63 – out of 12 available agents 1 is chosen)

12. **With respect to claims 12 and 32:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the establishing of the immediate message connection includes connecting the agent to a customer interaction system, which in turn, is connected to the at least one expert. However, Gusick teaches the establishing of the immediate message connection includes connecting the agent to a

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customer interaction system, which in turn, is connected to the at least one expert. (paragraphs 53, 54, 64, 66, 71 and 73 – dispatcher receives question from customer; he/she then forwards question to an in-network and out-network team member or expert; after responding to the question the team member or expert returns question with answer to the dispatcher who then sends answer to customer).

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

13. **With respect to claims 13 and 33:** Philonenko teaches the customer interaction system is dropped from the immediate message connection. (paragraphs 109-111 – client status can be shown to be off-line)

14. **With respect to claims 14 and 34:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the expert group, the at least one expert and the agent are identified with instant message screen names. However, Gusick teaches the expert group, the at least one expert and the agent are identified with instant message screen names. (paragraphs 51; 96-99 – log-in ID used; parties can take on personalities)

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also

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designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

15. **With respect to claims 15 and 35:** Philonenko teaches the immediate message includes an instant message and the immediate message connection includes an instant message connection and an immediate message service includes an instant message service and an immediate message session includes an instant message session and an immediate message metadata includes an instant message metadata. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

16. **With respect to claims 16 and 36:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the customer query includes at least one of an email, a telephone call, a second immediate message, and a web chat that is established and processed by a customer interaction system. However, Gusick teaches the customer query includes at least one of an email, a telephone call, a second immediate message, and a web chat that is established and processed by a customer interaction system. (paragraphs 45-46 – customer can submit a voice query by speaking into telephone; customer can also send web-based word query).

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also

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designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

17. **With respect to claims 17 and 37:** Philonenko teaches including logging an immediate message session between the agent and the at least one expert in an immediate message log for subsequent searching, wherein the immediate message session includes immediate message metadata and immediate messages. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load , i.e. how many calls waiting or unanswered emails will be used to determine availability)

18. **With respect to claims 18 and 38:** Philonenko teaches including capturing statistics on a plurality of immediate message sessions and reporting the statistics to facilitate the management of the customer interaction system. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load , i.e. how many calls waiting or unanswered emails will be used to determine availability)

19. **With respect to claims 19 and 39:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the identifying the at least one expert includes identifying the at least one expert based on the name of an expert that was selected by the agent. However, Gusick teaches the identifying the at least one expert includes identifying the at least one expert based on the name of an expert that was selected by the agent. (paragraph 64 – “dispatcher preferably uses an account-specific

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system 100 menu to select the team member and send the question to the desired team member ... typically the team member is a subject matter expert”).

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

20. **With respect to claims 20 and 40:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach communicating at least one expert group to the agent includes communicating expert groups associated with the agent. However, Gusick teaches communicating at least one expert group to the agent includes communicating expert groups associated with the agent. (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the question to the desired team member...typically the team member is a subject matter expert”).

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

21. **With respect to claim 25:** Philonenko teaches the identification module is to execute a workflow that includes business logic to access configuration data associated

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with the at least one expert to identify the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability).

22. With respect to claim 43: (Currently amended) Philonenko teaches:

- Receiving the first immediate message and invoking a workflow in response to the first immediate message and the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message received from client, the intent of the request is matched with the available agent)
- establishing an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work

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load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach communicating a choice of preferences to an agent; receiving a selection of preferences from the agent, the selection of preferences triggering a first immediate message that includes a request for assistance from at least one expert; and identifying at least one expert based on the selection of preferences. However, Gusick teaches:

- communicating a choice of preferences to an agent serving a customer; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the question to the desired team member ... typically the team member is a subject matter expert”)
- receiving a selection of preferences from the agent, the selection of preferences triggering a first immediate message that includes a request for assistance from at least one expert; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the question to the desired team member ... typically the team member is a subject matter expert”)
- identifying at least one expert based on the selection of preferences automatically using the workflow; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member

and send the question to the desired team member ... typically the team member is a subject matter expert”)

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

23. **With respect to claim 44:** Philonenko teaches the identifying the at least one expert includes using an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

24. **With respect to claim 45:** Philonenko teaches the identifying the at least one expert includes identifying the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

25. With respect to claim 46: (Currently amended) Philonenko teaches:

- a communication module to communicate a choice of preferences to an agent serving the customer, the communication module to further receive a selection of preferences from the agent, the selection of preferences

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triggering a first immediate message that includes a request for assistance from at least one expert; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability) and

- a connection module to establish an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko teaches the use of instant messaging but does not teach an identification module to identify at least one expert based on the selection of preferences. However, Gusick teaches:

- an identification module to invoke a workflow based on the selection in response to the first immediate message and to utilize the workflow to automatically identify at least one expert based on the selection of preferences; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the

question to the desired team member ... typically the team member is a subject matter expert")

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

26. **With respect to claim 47:** Philonenko teaches the identification module utilizes an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

27. **With respect to claim 48:** Philonenko teaches the identification module is to identify the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

28. With respect to claim 49: (Currently amended) Philonenko teaches:

- receive a selection of preferences from the agent, the selection of preferences triggering a first immediate message that includes a request for assistance from at least one expert; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status

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information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability) and

- receiving the first immediate message and invoking a workflow based upon the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message received from client, the intent of the request is matched with the available agent)
- establish an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

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Philonenko does not teach communicate a choice of preferences to an agent and identify at least one expert based on the selection of preferences. However, Gusick teaches:

- communicate a choice of preferences to an agent serving a customer; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the question to the desired team member...typically the team member is a subject matter expert”)
- identify automatically at least one expert based on the selection of preferences utilizing the workflow; (paragraph 64 – “dispatcher preferably uses an account-specific system 100 menu to select the team member and send the question to the desired team member...typically the team member is a subject matter expert”)and

Under the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

29. **Claims 41, 42 and 50-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Philonenko** in view of **Petrunka et al. (US 5,987,116)** (hereinafter “**Petrunka**”).

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30. **With respect to claim 41:** (Currently amended) Philonenko teaches:

- second means for automatically identifying at least one expert that is associated with the expert group using the workflow; (paragraphs 62-63 – out of 12 available agents 1 is chosen) and
- third means for establishing an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)
- means for receiving the first immediate message and invoking workflow based upon the selection; (paragraphs 43-50 – agent has personal computer which is connected to a web server)

Philonenko does not teach a first means for communicating an expert group to an agent, the first means to further receive a selection from the agent that identifies the expert group, the selection triggering a first immediate message that requests assistance from the at least one expert group. However, Petrunka teaches:

- first means for communicating an expert group to an agent, the first means to further receive a selection from the agent that identifies the expert group, the selection triggering a first immediate message that

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requests assistance from the at least one expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

31. **With respect to claim 42: (Currently amended)** Philonenko teaches:

- communicate an expert group listing including at least one expert group to an agent serving a customer; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)
- receive the first immediate message and invoke a workflow based upon the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message

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received from client, the intent of the request is matched with the available agent)

- identify automatically at least one expert that is associated with the expert group utilizing the workflow; (paragraphs 62-63 – out of 12 available agents 1 is chosen) and
- establish an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach receive a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group.

However, Petrunka teaches:

- receive a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

32. **With respect to claim 50: (Currently amended)** Philonenko teaches:

- receiving the first immediate message and invoking a workflow based upon the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message received from client, the intent of the request is matched with the available agent)
- identifying automatically at least one expert that is associated with the expert group using the workflow; (paragraphs 62-63 – out of 12 available agents 1 is chosen) and
- establishing an immediate message connection between the at least one expert and the requester, wherein the immediate message connection enables the exchange of immediate messages between the at least one

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expert and the requester so the requester may receive a response to the requester query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load , i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach communicating at least one expert group to a requester; receiving a selection from the requester that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group. However, Petrunka teaches:

- communicating at least one expert group to a requester; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents) and
- receiving a selection from the requester that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

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33. **With respect to claim 51:** Philonenko teaches the identifying the at least one expert includes using an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

34. **With respect to claim 52:** Philonenko teaches identifying the at least one expert includes identifying the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

35. **With respect to claim 53:** (Currently amended) Philonenko teaches:

- an identification module to invoke a workflow based upon the selection and to utilize the workflow to automatically identify at least one expert that is associated with the expert group; (paragraphs 62-63 – out of 12 available agents 1 is chosen) and
- a connection module to establish an immediate message connection between the at least one expert and the requester, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the requester so the agent may receive a response to the requester query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current

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status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach a communication module to communicate at least one expert group to the requester, the communication module to further receive a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group. However, Petrunka teaches:

- a communication module to communicate at least one expert group to the requester, the communication module to further receive a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

36. **With respect to claim 54:** Philonenko teaches the identification module utilizes an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to

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obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability).

37. **With respect to claim 55:** Philonenko teaches the identification module is to identify the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

38. With respect to claim 56: (Currently amended) Philonenko teaches:

- communicate an expert group list including at least one expert group to a requester; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)
- receive the first immediate message and invoke a workflow based upon the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message

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received from client, the intent of the request is matched with the available agent)

- identify automatically at least one expert that is associated with the expert group using the workflow; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)and
- establish an immediate message connection between the at least one expert and the requester, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the requester so the requester may receive a response to the requester query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach receive a selection from the requester that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group. However, Petrunka teaches:

- receive a selection from the requester that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group;

(col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

39. **Claims 8-10 and 28-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Philonenko** in view of **Gusick** and further in view of **Petrunka**.

40. **With respect to claims 8 and 28:** Philonenko/Gusick teach the limitations cited in the rejections above. Philonenko/Gusick do not teach the identifying of the at least one expert includes at least one of presenting the request for assistance to all experts in the expert group and presenting the request for assistance to a predetermined number of experts in the expert group and presenting the request for assistance to at least one expert based on preferences selected by an agent.

However, Petrunka teaches the identifying of the at least one expert includes at least one of presenting the request for assistance to all experts in the expert group and presenting the request for assistance to a predetermined number of experts in the expert group and presenting the request for assistance to at least one expert based on preferences selected by an agent. (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

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Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging. The focus of the system in Gusick a customer service system provides the ability for in-network and out-of-network parties to communicate with each other. Within this system an agent can be considered an expert on certain topics and likewise there are also designated experts.

41. **With respect to claims 9 and 29:** Philonenko teaches the identifying of the at least one expert includes accepting the request for assistance from a single expert. (paragraphs 62-63 – out of 12 available agents 1 is chosen)

42. **With respect to claims 10 and 30:** Philonenko teaches including notifying and excluding other experts from accepting the request for assistance. (paragraphs 99-102 - user status is monitored; by monitoring user status agent is aware if case or question has been accepted by another)

CONCLUSION

43. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heidi Riviere whose telephone number is 571-270-1831. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. R./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689